REMARKS

Favorable reconsideration of this application, as presently amended and in light of the

following discussion, is respectfully requested.

Claims 1-5, 8, 15-22, 29-43, and 50-64 are currently pending. Claims 1, 4, 8, 19, 29,

33, 35, 40, 50, 54, 56, and 61 have been amended by the present amendment. The changes to

the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 3-5, 8, 15, 16, 18-30, 32-37, 39-51, 53-58,

and 60-64 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No.

5,987,126 to Okuyama et al. (hereinafter "the '126 patent"); and Claims 2, 17, 31, 38, 52, and

59 were rejected under 35 U.S.C. § 10103(a) as being unpatentable over the '126 patent in

view of U.S. Patent No. 6,298,196 to Shima et al. (hereinafter "the '196 patent").

Amended Claim 1 is directed to an information processing apparatus, comprising: (1)

an extractor configured to extract main information including copy control information, and

to extract auxiliary information representing attributes of the main information, from input

information; (2) a generator configured to generate copy permission information based on the

extracted auxiliary information; and (3) a recorder configured to record the main information

as a 188-byte transport stream packet, and to record the copy permission information

generated by the generator in an extra 4-byte header adjacent to, but separate from, the 188-

byte transport stream packet. The changes to Claim 1 are supported by the originally filed

specification and do not add new matter.[1]

The '126 patent is directed to a device having a digital interface that includes a first

detector that detects, from data in a predetermined data format, copy generation management

information; and a first interface that converts the data in the predetermined format to data in

a data format of a network bus, and inserts the copy generation management information into

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[1] See, e.g., Figures 4 and 5a and the discussion related thereto in the specification.

the data format corresponding to the data format of the network bus after the format

conversion. As shown in Figure 4, the '126 patent discloses that a copy generation managing

circuit 44 is designed "to insert the copy generation management information based on the

detection result of the copy flag detector 42 to the position corresponding to the format after

conversion when the format converting circuit 43 executes any format conversion."[2] Further,

the '126 patent discloses that, as an example, when the recording format records to the D-

interface format, the copy generation management circuit 44 inserts the copy generation

management information to the CGMS area of the source control pack when the data from

the device 22 is recorded. Further, as noted in the outstanding Office Action, column 16 of

the '126 patent discloses that the copy generating managing circuit 144 inserts "00" as the

copy generation management information to the header of the MPEG2 transport stream.

However, Applicants respectfully submit that the '126 patent fails to disclose a

recorder configured to record the main information as a 188-byte transport stream packet, and

to record the copy permission information generated by the generator in an extra 4-byte

header adjacent to, but separate from, the 188-byte transport stream packet, as recited in

amended Claim 1. The '126 patent does not disclose that the copy permission information is

recorded in an extra 4-byte header that is adjacent to, but separate from, the 188-byte

transport stream packet, as recited in Claim 1. Rather, the '126 patent merely discloses that

the detected copy generation management information is inserted into the payload of a packet

at a position that depends on the format, after the format has been converted using the format

converting circuit 43. The '126 patent does not disclose that, in addition to the claimed 188-

byte transport stream packet, an extra 4-byte header that includes the copy permission

information is recorded, as recited in amended Claim 1. Accordingly, Applicants respectfully

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[2] '126 patent, column 14, lines 24-29.

submit that the rejection of Claim 1 (and all similarly rejected dependent claims) is rendered moot by the present amendment to Claim 1.

Independent Claims 8, 29, 35, 50, and 56 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 8, 29, 35, 50, and 56 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 8, 29, 35, 50, and 56 (and all similar rejected dependent claims) are rendered moot by the present amendment to the independent claims.

Regarding the rejection of dependent Claims 2, 17, 31, 38, 52, and 56 under 35 U.S.C. § 103(a), Applicants respectfully submit that the '196 patent fails to remedy the deficiencies of the '126 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of the above-noted dependent claims are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 8, 29, 35, 50, and 56 (and all associated dependent claims) patentably define over any proper combination of the '126 and '196 patents.
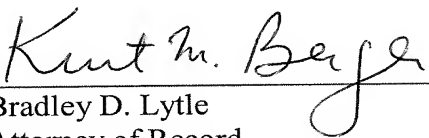
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Kurt M. Berger, Ph.D.
Registration No. 51,461

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17